

REMARKS

Reconsideration of this application is respectfully requested in view of the following remarks. No claims were amended, added, or canceled. Claims 1-25 remain pending in the application. Claims 1-25 were rejected, but claim 5 was not specifically addressed.

Claims 1-4, 7-13, 16-19, 22 and 25 were rejected under 35 U.S.C. § 102(b) as being anticipated by Rutkowski et al. ("Rutkowski", U.S. Pat. No. 5,826,270). The Office Action sets forth the text of Applicant's claims 1 and 11 and cites particular portions of Rutkowski that allegedly teach the given feature of the claim. Applicant respectfully traverses.

In order to maintain a § 102(b) anticipation rejection, each and every element or step of a claim must be disclosed in a single prior art reference. Although the Office Action maintains that a § 102(b) rejection applies to the rejection of claims listed above, such a rejection cannot be maintained because Rutkowski does not disclose the present invention as recited in the instantly pending claims.

Rutkowski does not disclose a system or method for transacting business as recited in the pending claims. For example, Rutkowski does not disclose a system or method wherein a dispatch division receives information from a customer, then deploys a technician, wherein the technician receives a request from the customer for a different transaction than was originally in the information received. To maintain a § 102(b) rejection, each and every element must be expressly disclosed in the prior art. Here, the Office Action directs attention to a number of passages of Rutkowski to anticipate the present claims. This piecemeal re-construction cannot be used to maintain an anticipation rejection because the passages are not related. Passages from the "Description of Related Art" have been combined with passages from Rutkowski's

description of his invention to improperly re-construct Applicants' invention as recited in claims 1 and 11. A combination of related art and a given invention cannot together form an anticipation rejection. For example, neither Rutkowski nor his description of the "Related Art" independently and expressly recite a system or method that includes receiving information from a customer, deploying a technician in response to the information, and the technician receiving a request from the customer for a different transaction than the one that the technician was deployed for. Thus, an anticipation rejection cannot be maintained.

Furthermore, Rutkowski merely discloses a number of embodiments that are home-based processing systems ("IHOPS", see for, example, passage beginning col. 9, line 27). These systems require "means of data transmission, such as coaxial cable or telephone lines" (col. 9, line 30), that transmit a signal through a series of modules that communicate with an RF signal transmitter/receivers (col. 9, line 60). These RF signal transmitters/receivers have limited ranges and are used to transmit information to other cable technicians (col. 9, line 64). There is no disclosure that a technician has a computer that can transmit information that a customer requests *directly* to the dispatch division that originally received information related to the customer's problem. Thus, Rutkowski cannot anticipate the present invention as recited in the instant claims.

Finally, the focus of Rutkowski's patent is on addressing problems arising from having data in multiple databases and the problems associated with high-volume transactions. See, for example, columns 2-3. In contrast, one of the issues the present invention, as recited in the claims, addresses and that Rutkowski does not include complying to a customer's request for additional products or services once a technician is at a customer's site. Using embodiments of

the present invention, the technician is able to give on-the-spot rapid response regarding the customer's request, including price information, availability, and account information because the technician has a portable computer that can, for example, link directly to a dispatch or the company's database that has information relating to the customer and/or has control over the services for the customer. In this way, the customer is not burdened with a complicated or lengthy transaction because the technician is able to perform the transaction on-the-spot. The customer merely requests and the technician acts as a sales representative. Rutkowski does not disclose such a system or method, and thus, cannot anticipate the present invention as recited in the instant claims.

None of the secondary references used in combination with Rutkowski to reject claims 6, 7, 14, 15, 20, 21, 23 and 24, namely Peters et al. (U.S. Pat. No. 5,696,906), FieldCentrix, or Ullrich et al. (U.S. Pat. No. 5,583,937), disclose or fairly suggest the present invention as recited in the claims. The Office Action uses Applicants' own invention as motivation to re-construct the present invention and deem it obvious. This improper hindsight construction cannot be used to maintain a 35 U.S.C. § 103(a) rejection outside of express motivation in the references to combine the references in the manner suggested by the Office Action. No such motivation has been disclosed other than Applicants' own invention. Thus, the obviousness rejection should be withdrawn and the claims allowed. Even if combinable, *arguendo*, the combination would still be deficient in obviating the present invention as recited in the claims at least for the reasons set forth above in showing the deficiency of Rutkowski as a reference.

Because Rutkowski does not disclose the present invention as recited in the instant claims, Rutkowski cannot anticipate the present invention. Furthermore, Rutkowski does not

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disclose or fairly suggest the features of the present invention as recited in claims 1 and 11.

Thus, for at least these reasons, the anticipation rejection should be withdrawn and the application allowed to issue. Dependent claims 2-10 and 12-25, which depend from claims 1 and 11, should also therefore be allowed.

In view of the foregoing all of the claims in this case are believed to be in condition for allowance. Should the Examiner have any questions or determine that any further action is desirable to place this application in even better condition for issue, the Examiner is encouraged to telephone applicant's undersigned representative at the number listed below.

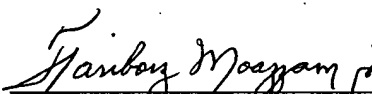
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Respectfully submitted,

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